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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 PLOT USA, INC,

8 Plaintiff,

9 v.

10 TAKESHI "SEAN" HAYAKAWA, *et al.*,

11 Defendants.

Case No. 2:18-cv-00922-JAD-GWF

ORDER

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13 This matter is before the Court on Plaintiff's Motion to Serve Defendant Yukari Hidaka
14 by Publication (ECF No. 48), filed July 5, 2019.

15 Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is located
16 are followed in matters pertaining to service of summons by publication. Nev. R. Civ. P.
17 4(e)(1)(i) states that the court may permit service by publication if, after due diligence shown,
18 the plaintiff is unable to find the defendant(s) within the state, or they are avoiding the service of
19 summons. The plaintiff must prove this to the satisfaction of the court either by affidavit or by a
20 verified complaint. The Nevada Supreme Court has held that there is no objective, formulaic
21 standard for determining what is, or is not due diligence. *Abreu v. Gilmer*, 985 P. 2d 746, 749
22 (1999).

23 Plaintiff argues that it has shown due diligence. Plaintiff through the use of a private
24 investigator, represents that it has attempted to serve Yukari Hidaka ("Defendant Hidaka") on at
25 least five occasions. Plaintiff attempted to locate all addresses associated with Defendant Hidaka
26 in Nevada, and California. Plaintiff even submitted a request for information to the U.S. Postal
27 Service in an attempt to obtain a current address and searched public records indexes.
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1 Based on the foregoing, the Court finds that Plaintiff has demonstrated due diligence that
2 warrants an order allowing Defendant Hidaka to be served by publication. Accordingly,

3 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Serve Defendant Yukari Hidaka
4 by Publication (ECF No. 48) is **granted**. Defendant, Yukari Hidaka, may be served by Plaintiff
5 through publication of the summons and complaint in this case at least once a week for four (4)
6 consecutive weeks in the Nevada Legal News which is a newspaper in a general circulation
7 published in Las Vegas, Nevada.

8 **IT IS FURTHER ORDERED** that Plaintiff shall have until 60 days from the entry of
9 this Order to complete service upon Defendant Yukari Hidaka.

10 Dated this 22nd day of July, 2019.

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13 GEORGE FOLEY, JR.
14 UNITED STATES MAGISTRATE JUDGE
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